

REMARKS

The Applicants have filed the present Response in reply to the outstanding Official Action of March 23, 2005 and the Applicants believe the Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

In the outstanding Official Action, the Examiner rejected Claims 1-12 under 35 U.S.C. § 102(e) as being anticipated by Boling et al., United States Patent No. 6,636,732 (hereinafter “Boling”).

Applicants respectfully disagree with the rejection and traverse with at least the following analysis.

Claim 1 recites a method of operating a control channel cellular radio transmitter for reporting a status of a fire alarm system comprising, *inter alia*, selecting a cellular control channel with the strongest signal strength **which is verified as being available for the assigned carrier to report a status of the fire alarm system** and selecting a cellular control channel with **a second strongest signal strength** which is also **verified as being available for the assigned carrier to report a status of the fire alarm system** (Emphasis added).

Independent Claim 7 recites a corresponding system for operating a control channel cellular radio transmitter for reporting a status of a fire alarm system.

Applicants submit that Boling fails to teach (i) verifying that the channel is available for the assigned carrier to report a status of the fire alarm system; (ii) selecting a cellular control channel with **a second strongest signal strength**; and (iii) reporting a status of the fire alarm system.

Boling teaches that “[W]hen an available channel having sufficient signal strength is found in either the B system channels (step 112) or the A system channels (step 118), the high

signal indicator light 72 is illuminated (step 120). If more than one channel having a signal strength greater than the minimum threshold is found, the channel having the highest signal strength is selected for the call (step 122).” See Col. 10, lines 46-52.

However, the reference does not teach that the channels are verified.

In a disclosed embodiment of the invention, the specification describes that the device starts the method by scanning through the available cellular control channels and measuring the signal strength in each cellular control channel (at 10). The cellular control channels are sorted and classified according to signal strength, and the strongest signal channel is selected and the radio is set to the selected strongest signal channel. **The selected channel is verified as being available for the assigned carrier (the channel system ID matches a system ID which is available for use).** Boling does not teach this last function.

Additionally, Boling does not teach selecting cellular control channel with **a second strongest signal strength.**

Specifically, the reference states that if more than one channel has a signal strength greater than the minimum threshold, the channel having the highest signal strength is selected for the call (step 122). This teaching is not congruent with the function recited in the claim.

In a disclosed embodiment, the channel list is checked for the availability of **two or more channels** with acceptable RSSI (Receive Signal Strength Indication). After a first channel is verified, the next strongest signal channel on the channel list is selected and tuned. The second selected channel is verified as being available for the assigned carrier. See pages 5-7.

If a second verified channel for the assigned carrier is found, then the control loop proceeds to tune to the first strongest and verified channel. The control loop then proceeds to operate on the selected channel and report the network connection as operating and OK.

Two channels are selected such that the system is capable of transmitting with dual site supervision. This is an advantage over Boling which only would transmit over the strongest channel. The cell phone transmitter can communicate by **either one of two separate cellular transmissions to two separate cellular base stations, such that two separate and independent communications paths are available through either of the two separate cellular base stations.** The prior art does not have two cites of coverage.

Lastly, the reference fails to teach the limitation of “report[ing] a **status** of the fire alarm system”, as specifically recited.

The specification states that the control channel cellular transceiver **monitors and tests** through more than one cell base station or site and transmits status reports. See p. 2. paragraph 6. Test calls are placed periodically (e.g., once daily) and alternately over each channel to ensure that the two telephone connections are operating properly in the event that a real fire had to be reported. The status of the fire alarm system is the test calls. However, Boling teaches that the method is performed only when an emergency occurs. The user initiates the process by depress a single key on the cell phone device.

Accordingly, Boling fails to teach, suggest or render obvious each and every limitation of Claims 1 and 7. Therefore, these claims are patentable over the reference and not anticipated.

Claims 2-7 and 9-12 are dependent upon Claims 1 and 7, respectively. These claims are patentably based upon their dependency from Claims 1 and 7 for at least the above-identified reasons.

With respect to Claims 2 and 8, the claims are separately patentable over Boling for at least the following additional reasons. Boling fails to teach the limitation of “developing a

channel list in which the cellular control channels are sorted and classified according to signal strength”, as recited in Claims 2 and 8.

Specifically, Boling teaches that “depending on the preference parameter stored in the memory 54, the phone 10 could search for an available channel on the A system first, and then search in the B system, if a signal of sufficient strength is not found in the A system. Thus, the A/B preference can be set at the time that the phone is manufactured by the selection of the value of the preference parameter stored in memory 54. As described in more detail below, this parameter may also be reprogrammed after the manufacture of the phone 10.” See Col. 10, lines 59-60.

The programmed memory list is **not** generated based upon sorted and classified **according to signal strength**, but rather ordered by a user preference or a preference which is installed by a manufacturer.

In contrast, the claimed invention sorts and classifies the channels in memory according to signal strength. Accordingly, the reference fails to teach each and every limitation of the claims.

With respect to Claims 3 and 9, the reference fails to teach the limitation of checking “for availability of two or more channels with acceptable RSSI (Receive Signal Strength Indication), and **if two or more channels with acceptable RSSI are not available, then report a loss of two site coverage**, and if two or more channels with acceptable RSSI are available, operate on the strongest verified channel until a supervision delay or a loss of signal is experienced”, as specifically claimed.

The reference, at best teaches that “[i]f **no signal** is found in the A system channels having a signal strength greater than the minimum threshold value, the low signal indicator light

70 is illuminated (step 116), and the receiver 56 starts scanning the B system channels again (step 110). This process continues until a signal of sufficient strength is found in the A or B system channels." See Col. 10, lines 39-44. In other words, the low signal indicator light is only illuminated if **no signal** is found. In contrast, a report of a loss of two site coverage is generated **only if two or more channels** with acceptable RSSI are not available. Since the prior art is not concerned with dual site coverage, there is no need to indicate when two signals are not found. The only concern is if **one** channel is not found because of the urgent need to transmit an emergency signal **immediately**.

Accordingly the reference fails to teach, suggest or render obvious each and every limitation of the claims.

With respect to Claims 4-6 and 10-12, the reference fails to teach "the next strongest signal channel on the channel list is selected and verified as being available for the assigned carrier, and if not verified, the next strongest signal channel is selected and verified, and if not verified, repeat the selecting and verifying steps until the last available channel on the channel list has been selected", as recited in Claim 4; "a second verified channel for the assigned channel is not found, then report a loss of two site coverage of two separate verified channels with acceptable RSSI", as recited in Claim 5; "if a second verified channel for the assigned carrier is found, then operate on the first strongest verified channel and report two site coverage as operating", as recited in Claim 6; "means for checking all available channels on the channel list for a second verified channel for the assigned channel", as recited in Claim 10, "a second verified channel for the assigned channel is not found, means for reporting a loss of two site coverage of two separate verified channels with acceptable RSSI", as recited in Claim 11, and "if a second

verified channel for the assigned carrier is found, means for operating on the first strongest verified channel and means for reporting two site coverage as operating", as recited in Claim 12.

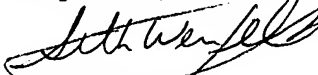
As noted above, Boling does not teach determining the second strongest channel. The reference solely teaches determining if a signal received in a channel is higher than a predetermined RSSI and selecting the channel with the highest RSSI (not second highest). Additionally, for proper operation of Boling there is no need to select the second highest RSSI. Furthermore, as stated above, in Boling, low signal indication only occurs if no signal is received, whereas in the claimed invention a low signal is indicated where there are less than two channels higher than a predetermined RSSI and a normal signal is indicated where there are two or more channels with a RSSI higher than the predetermined RSSI.

Thus, Boling fails to teach, suggest or render obvious each and every limitation of Claims 4-6 and 10-12. Accordingly, Applicant submits that Claims 4-6 and 10-12 are patentable over the reference and not anticipated.

For all the foregoing reasons, the Applicants respectfully request the Examiner to withdraw the rejections of Claims 1-12 pursuant to 35 U.S.C. § 102(e).

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicit the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner call the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



Seth Weinfeld

Registration No: 50,929

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
SW:ae